

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

USA

v.

Criminal No. 09-cr-41-04-JL

Escolastico Suero

O R D E R

Defendant moves for reconsideration of bail.

18 U.S.C. § 3142 (f)(2) provides in pertinent part that:

The (bail) hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

Defense counsel proffered that defendant is so well regarded by fellow cab drivers and his boss that they are paying his legal bills. Further, defendant's boss believes defendant is his best and most reliable driver. He had a stable job and residence. He has a green card and no record. The government proffered that defendant left before the three girls went into the motel room.

I find that the information was for the most part known to

defendant and otherwise not material to risk of flight or danger to the community. The government's "Assent to Defendant's Release" is not binding on me. The motion (document no. 39) is denied.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: June 26, 2009

cc: Patrick Shanley, Esq.
Debra M. Walsh, Esq.
Donald A. Feith, Esq.